

*Opinions of the
Supreme Judicial Court,
relative to
Fugitives from Justice,*

1837

To the Governor of the State of Maine,

The undersigned, Justices of the Supreme Judicial Court, would respectfully answer to the question, which the Governor was pleased to propound to them on the 17th instant, that if it has been made to appear to the executive of this state, that a person charged with the commission of treason, felony, or other crime in any other state, has fled from justice there, and is found in this state, and a demand has been duly made by the executive authority of the offended state upon the executive of this state, for the delivery over of such fugitive, in our judgment it becomes his duty to cause the party so charged to be delivered over, in the manner prescribed by the second section of the act, providing for the appointment of agents for demanding and receiving fugitives from justice, although he may be a citizen of this state.

And we are further of opinion, that whether a crime has been committed or not, depends upon the laws of the state, preferring the charge and making the demand. If therefore the fugitive is charged with larceny in taking from that state a negro slave, and such an act is made

Larceny by the laws of such state, the case is brought within the provisions of the statute, to which we have before referred.

Machias, June 22. 1836. Nathan Weston

Abner K. Parry
Nicholas Emery

Lawrence by the laws of such state, the case is
brought within the provisions of the statute, to
which we have before referred.

March 12, 1815. Nicholas Weston

Major P. D. Parsons

Nicholas Pomeroy

His Excellency the Governor of Maine
now at
Augusta

To the Governor of the State of Maine,

Sir,

The undersigned, Justices of the Supreme Judicial Court, to the following question, propounded to them by the Governor on the 22 d. instant, viz.

"Is it the duty of the Executive of this State, to cause to be delivered over to the agent of another State, at the request of the Executive thereof, a citizen of this State, charged (by indictment in such other State) with fraud upon one or more of her citizens, in the sale of wild lands, or in contracts for the sale of such lands, lying within the bounds of ~~such~~ this State, and thereby obtaining the money and notes of said citizens, under false pretences and representations in regard to the quality and value of said lands? would respectfully answer, that in their opinion it is the duty of the Executive of this State, to cause to be delivered over to the agent of another State, at the request of the Executive thereof, a citizen of this State, charged in another State by indictment with the fraud before set forth, which, being ~~in~~ ~~so~~ indicted in such State, may be presumed to be then regarded as a crime, if the Executive of this State is satisfied, that such citizen has fled from justice from the State making the demand, and not otherwise.

Mr Justice Shepley, being now engaged in official duty at Machias, ^{the undersigned} ~~are~~

have not had it in ~~our~~^{their} power to communicate
with him, without postponing ~~our~~^{their} answer to a later
period, than might be deemed convenient.

Castine, June, 26. 1837. Nathan Weston
Nicholas Emery

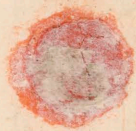


~~ff~~

Governor Robert P. Dunlap

Brunswick -
~~Augusta~~

Maine



1887
J. J. Smith
10/20/87